COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

Date: November 25, 2003
File No: IV 2086594

DISPOSITION SHEET

FROM: NEAL B. TYLER, CHIEF
EAST LOS ANGELES STATION

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **JESUS M. ORTIZ #[redacted]**
DEPUTY SHERIFF
EAST LOS ANGELES STATION
FIELD OPERATIONS REGION I

Upon consideration of the facts developed in this investigation, I have determined that Subject Ortiz be suspended for a period of thirty-days (30) days without pay for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

Neal B. Tyler, Chief

2/10/04
Date

CASE REVIEWED BY

Larry L. Waldie, Assistant Sheriff
02-10-04
Date

R. Doyle Campbell, Assistant Sheriff
2-10-04
Date

William T. Stonich, Undersheriff
2-10-04
Date

The evidence in this investigation supports the following charges:

1. That in violation of Manual Section 3-01/030.10(a), Obedience to Laws, Regulations and Orders, on or about April 18, 2003, Subject Ortiz made a fraudulent claim to his insurance company for damages to his personal vehicle caused when his wife fled the scene of a traffic collision without contacting the driver of the other vehicle, in violation of the California Vehicle Code, and/or;

2. That in violation of Manual Section 3-01/040.76, Obstructing an Investigation, and/or Manual Section 3-01/040.85, Cooperation During Criminal Investigation, on or about April 22, 2003, Subject Ortiz made false statements to Detective [redacted] of the Ontario Police Department regarding a hit and run investigation and fraudulent insurance claim involving Subject Ortiz and his wife, and/or;

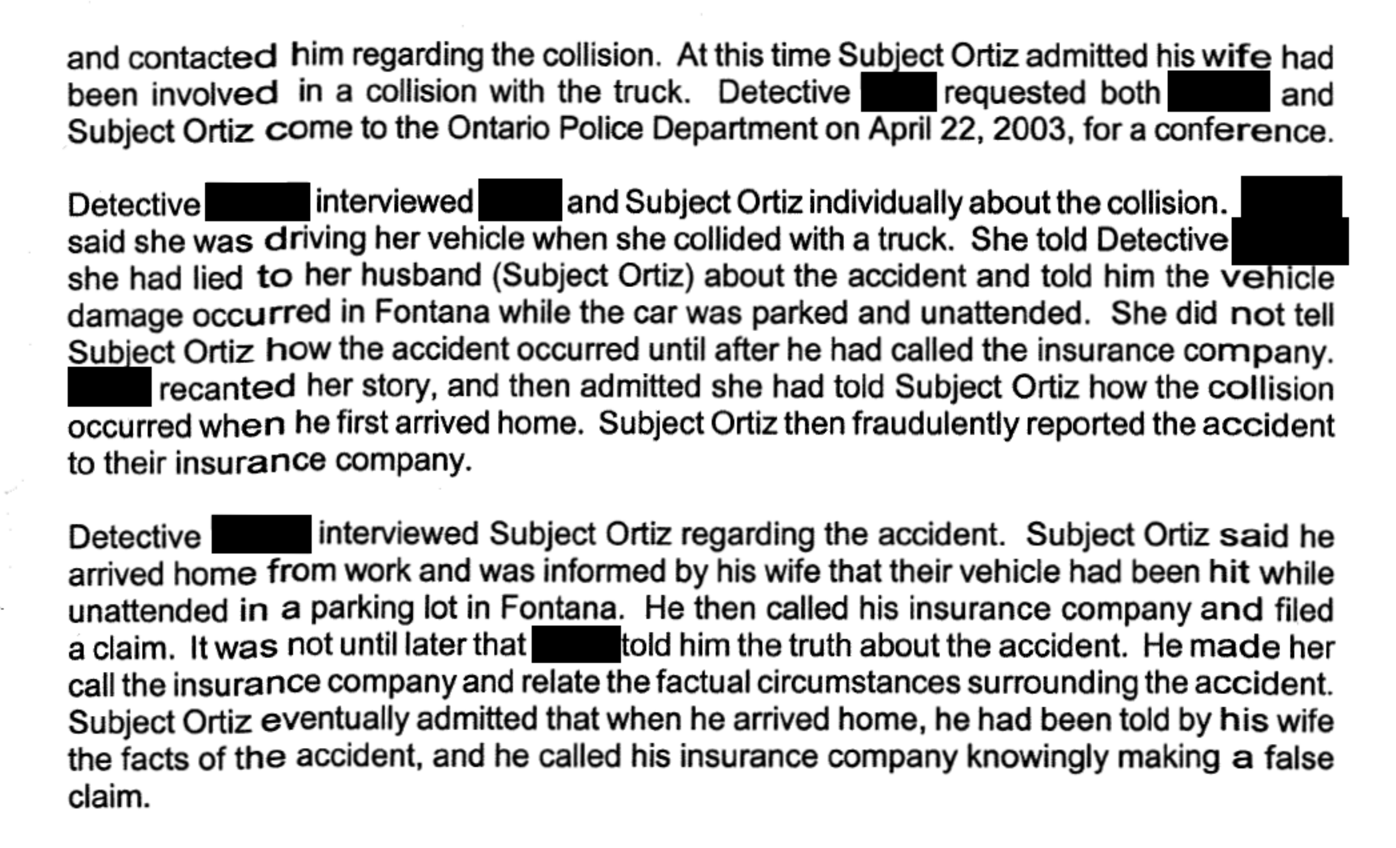
3. That in violation of Manual Section 3-01/030.05, General Behavior, between the dates of April 18, 2003, and April 21, 2003, Subject Ortiz made a fraudulent insurance claim and later obstructed a criminal investigation by the Ontario Police Department regarding this claim. Subject Ortiz' actions brought discredit upon himself and this Department.

SUMMARY:

On April 18, 2003, Subject Ortiz after returning home from work, was advised by his wife, [redacted], that she had been involved in a traffic collision while driving their vehicle in the City of Ontario. [redacted] was traveling eastbound on Jurupa Avenue approaching Milliken Avenue when she struck the rear of a tractor trailer causing minor to moderate damage to their vehicle. [redacted] left the scene without exchanging information and did not get a license plate number for the vehicle she hit. She did not believe the driver of the truck copied her license plate number.

Subject Ortiz contacted Mercury Insurance, his insurance provider, and spoke to a claim representative, Ms. [redacted] He filed a fraudulent claim stating his vehicle had been parked in a private lot in the City of Fontana and had been hit by an unknown person while it was unattended.

On April 21, 2003, Detective [redacted] of the Ontario Police Department initiated a hit and run investigation involving Subject Ortiz' vehicle. Detective [redacted] had been given the license number of Subject Ortiz' vehicle by the driver of the truck [redacted] had hit. Detective [redacted] determined Subject Ortiz was the owner of the vehicle, through registration information,



and contacted him regarding the collision. At this time Subject Ortiz admitted his wife had been involved in a collision with the truck. Detective [redacted] requested both [redacted] and Subject Ortiz come to the Ontario Police Department on April 22, 2003, for a conference.

Detective [redacted] interviewed [redacted] and Subject Ortiz individually about the collision. [redacted] said she was driving her vehicle when she collided with a truck. She told Detective [redacted] she had lied to her husband (Subject Ortiz) about the accident and told him the vehicle damage occurred in Fontana while the car was parked and unattended. She did not tell Subject Ortiz how the accident occurred until after he had called the insurance company. [redacted] recanted her story, and then admitted she had told Subject Ortiz how the collision occurred when he first arrived home. Subject Ortiz then fraudulently reported the accident to their insurance company.

Detective [redacted] interviewed Subject Ortiz regarding the accident. Subject Ortiz said he arrived home from work and was informed by his wife that their vehicle had been hit while unattended in a parking lot in Fontana. He then called his insurance company and filed a claim. It was not until later that [redacted] told him the truth about the accident. He made her call the insurance company and relate the factual circumstances surrounding the accident. Subject Ortiz eventually admitted that when he arrived home, he had been told by his wife the facts of the accident, and he called his insurance company knowingly making a false claim.

DISCIPLINE ASSESSMENT

Review of Applicable "*Guidelines for Discipline*" Sections

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

CONDUCT	STANDARD DISCIPLINE	SPECIAL NOTES
Untruthful or misleading statements to a supervisor.	10-15 Days Suspension	See Note #1
Untruthful or misleading statements during internal investigations.	15-25 Days Suspension	See Note #1
Untruthful or misleading statements during a criminal investigation.	15-25 Days Suspension	See Note #1
Failure to cooperate/interfering with the investigation of another law enforcement agency.	10-15 Days Suspension	
Deceitful business transactions.	5-15 Days Suspension	
Conduct which causes embarrassment to the Department.	------------------------------	See Note #4

SPECIAL NOTES

Note #1 As noted elsewhere in these Guidelines, discipline is expected to be within the standard range in most cases. In the event circumstances warrant a downward adjustment to a penalty less than the standard range, the indicated offenses may not be reduced below a five (5) day suspension.

Note #4 The standard discipline for this section can range from a written reprimand to discharge, based on an evaluation of the totality of the circumstances.

Assessment of Mitigating and Aggravating Factors:

Severity of Infraction:
The involvement in filing a fraudulent insurance claim and lying during a criminal investigation is a serious infraction that warrants substantial discipline. In addition, this incident involved another police agency, and during the investigation the Subject was identified as a Los Angeles County deputy sheriff bringing further discredit upon himself, his profession and this Department.

The investigating agency presented the matter to the District Attorney's office for consideration of filing of charges, however, the District Attorney rejected the case. This does not negate the fact the Subject admitted to lying during a criminal investigation and filing a fraudulent insurance claim, and has no effect for the purposes of this Department in determining violations of policy and imposition of discipline.

The mitigating factors are the Subject did not create the initial circumstances leading to his involvement and his motives appear to be driven by his concern for his wife's well being and not criminal intent for the purpose of financial gain.

Intent, Truthfulness and Acceptance of Responsibility:
The Subject does not appear to have committed the above violations with criminal intent for the purpose of fraud for financial gain, rather a decision made with very poor judgement in trying to protect his spouse from criminal prosecution. He compounded his decision again, with very poor judgement, by conspiring with his wife to cover up his initial actions. Upon realizing he was a suspect and through personal reflection, he made immediate contact with his insurance carrier to correct his claim. Although he was initially untruthful during his interview with the Ontario Police Department investigator, upon being presented with the facts of the case he admitted to the charges and accepted full responsibility for his actions. The Subject again during his Internal Affairs interview stated his remorse for his actions, was truthful in his statements, and accepted full responsibility.

Degree of Culpability:
Subject Ortiz is solely responsible for his actions as they pertain to the Department's Manual of Policy and Procedures. Although he acted in concert with his spouse in fraudulently reporting an insurance claim and obstructing a criminal investigation, she is not a member of this Department and cannot be held accountable by this Department for her actions. Subject Ortiz was fully aware of the circumstances regarding the facts surrounding his wife's accident and took responsibility for initiating a fraudulent insurance claim. He acted in concert with his wife during a criminal investigation in attempting to cover up the reasons for reporting this claim, but has since taken full responsibility and is solely accountable for his own actions.

Past Performance and Disciplinary History:
Subject Ortiz was hired by the County and appointed to the rank of Deputy Sheriff in August of 1990. During his time on the Sheriff's Department he has received no previous formal discipline. His record is impeccable with several commendations.

Charges
Charge 1 MPP 3-01/030.10, Obedience to Laws, Regulations, and Orders,

Disposition:
__✓__ Charge founded as delineated
_____ Charge founded as modified
_____ Charge unresolved
_____ Charge unfounded

Charge 2 MPP 3-01/040.76, Obstructing an Investigation and/or,
MPP 3-01/040.85, Cooperation During Criminal Investigation and/or,

Disposition:
__✓__ Charge founded as delineated
_____ Charge founded as modified
_____ Charge unresolved
_____ Charge unfounded

Charge 3 MPP 3-01/040.70, 3-01/030.05, General Behavior, and/or,
MPP 3-01/030.07, Immoral Conduct

Disposition:
__✓__ Charge founded as delineated
_____ Charge founded as modified
_____ Charge unresolved
_____ Charge unfounded

Determination of Discipline:
Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the Subject's response or grievance.

_____ Discharge
_____ Reduction in Rank
__✓__ Suspension with loss of pay and benefits for **30** days
_____ Written Reprimand
_____ No discipline

INTERNAL AFFAIRS BUREAU **IV 2086594**
INVESTIGATIVE SUMMARY

Subject: **ORTIZ, JESUS M., #[redacted]**

Date: **April 18, 2003 (Wednesday)**

Location: **Jurupa Street and Milliken Avenue, Ontario, CA**

This case pertains to a hit and run traffic collision that occurred on April 18, 2003, in the city of Ontario, California, at approximately 1030 hours. [redacted], the wife of Subject Jesus Ortiz, was driving eastbound on Jurupa Avenue, approaching Milliken Avenue. There was a tractor-trailer stopped in the northbound left turn lane for Jurupa Avenue at Milliken Avenue. [redacted] struck the rear of the tractor-trailer vehicle, backed up and drove around the big rig, turning northbound onto Milliken Avenue. The driver of the tractor-trailer, felt a slight bump to his trailer and saw the grey Tahoe drive passed him. As the vehicle passed, the driver saw fresh collision damage on the Tahoe and he wrote the license number down. He waited for the driver of the Tahoe to pull over in an attempt to exchange necessary information as required by state law. The driver continued northbound out-of-sight. The semi-truck driver, [redacted], obtained the license plate number off of Ortiz's vehicle and reported the collision to the Ontario Police Department.

On April 18, 2003, Subject Jesus Ortiz arrived home from work, and was told by his wife that she had struck a big rig truck on Jurupa Avenue at Milliken Avenue, in the city of Ontario. She told him she did not stop and exchange her driver's information with the driver of the truck. She did not obtain a license plate number of the truck, nor did she think the other driver obtained her license number. Subject Ortiz telephoned his insurance company and spoke to Ms. [redacted], a claims representative for Mercury Insurance. Knowing that his wife had fled the scene of a traffic collision, he reported the collision occurred in a parking lot at Sierra Avenue and Valley Boulevard, in the city of Fontana and not where it actually occurred. He further reported, his vehicle was struck while unoccupied and he had no information on the party that struck his vehicle.

On April 21, 2003, Detective [redacted] of Ontario Police Department, initiated a hit and run investigation surrounding the reported hit and run traffic collision. He discovered the licence plate of the fleeing driver was registered to Subject Jesus Ortiz. He telephoned East Los Angeles Station and obtained a telephone number for Subject Ortiz. Detective [redacted] telephoned Subject Ortiz. He asked Subject Ortiz if his vehicle had been involved in a traffic collision earlier in the day at Jurupa Avenue and Milliken Avenue, in the city of Ontario. Subject Ortiz told [redacted] that his wife was involved in a collision with a tractor-trailer vehicle, but she did not obtain any information. Detective [redacted] requested Subject Ortiz and his wife come to Ontario Police Department on April 22, 2003. Detective [redacted] obtained the driver's information and insurance company for [redacted] prior to ending their conversation. Detective [redacted] telephoned Mercury Insurance Company Claims Department and discovered the traffic collision was reported on April 18, 2003 by Subject Jesus

Ortiz as having occurred at Sierra Avenue and Valley Boulevard, in the city of Fontana. Detective [redacted] telephoned Mr [redacted] Special Investigations Unit, Mercury Insurance Company, and re-confirmed that Subject Jesus Ortiz had reported the traffic collision to the insurance company as occurring at Valley Boulevard and Sierra Avenue, in the city of Fontana.

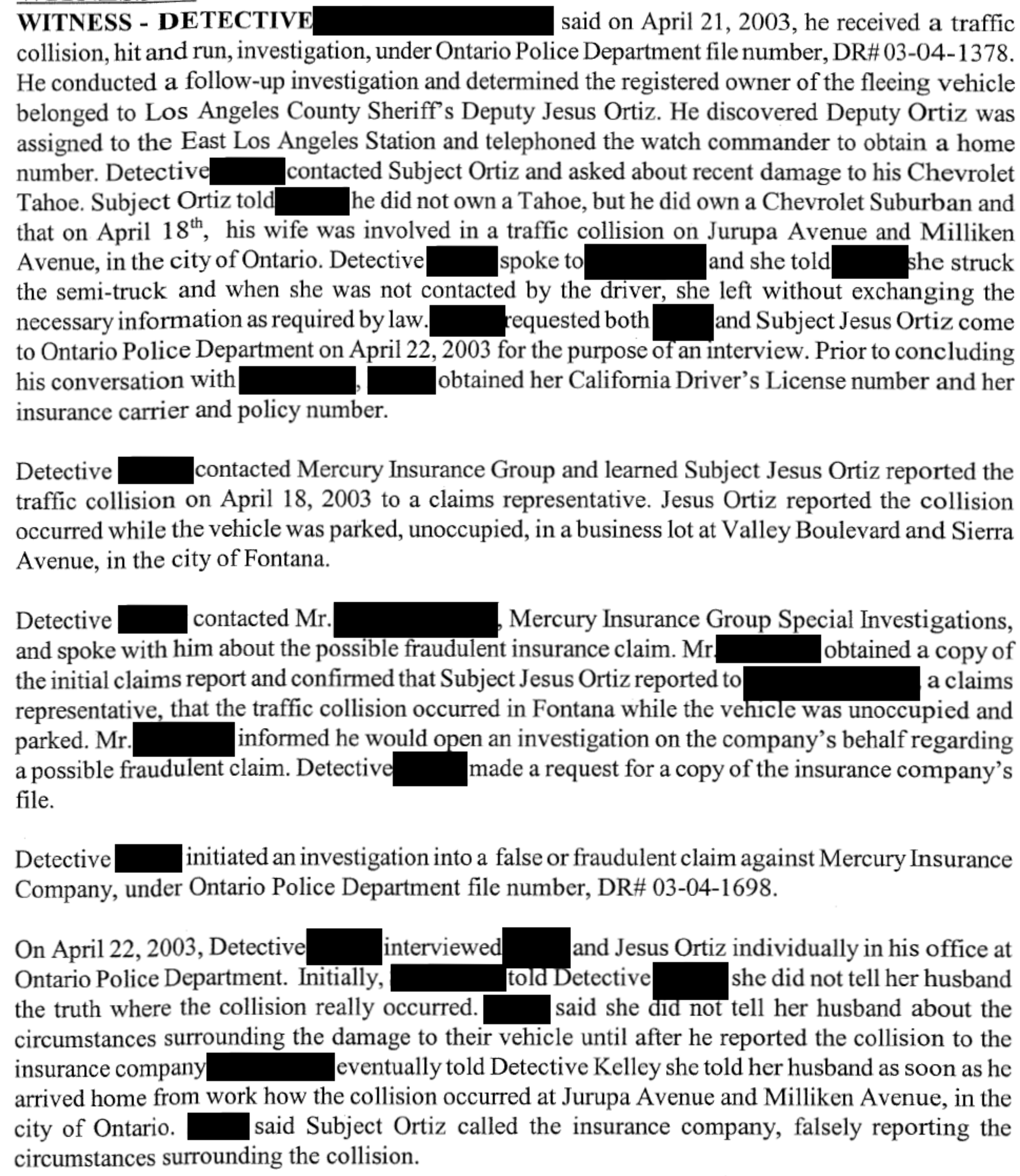
On April 22, 2003, both Deputy Ortiz and [redacted] met with Detective [redacted]. Detective [redacted] inspected the damage to the Ortiz's vehicle and interviewed [redacted]. Initially, [redacted] told Detective [redacted] that she did not tell her husband the truth about the circumstances surrounding the damage to their vehicle. She said she did not tell her husband where the collision really occurred until after he reported the collision to the insurance company. [redacted] eventually told Detective [redacted] she told her husband as soon as he arrived home from work how the collision occurred at Jurupa Avenue and Milliken Avenue, in the city of Ontario. She said Subject Ortiz called the insurance company, falsely reporting the circumstances surrounding the collision.

Detective [redacted] interviewed Subject Ortiz about the damage to his vehicle. He initially said that when he arrived home from working a double shift, his wife told him of the collision. She told him the collision occurred while the vehicle was parked and unattended in a parking lot at Sierra Avenue and Valley Boulevard, in the city of Fontana. He called his insurance company and reported the accident as his wife said it occurred. It was not until a later date that she told him the accident occurred on Jurupa Avenue and Milliken Avenue, in the city of Ontario. She told him she had left the scene without exchanging information with the driver of the big rig. He told Detective [redacted] that he made his wife call back the insurance company and admit to them she had lied to him about the circumstances of the accident. Eventually, Subject Ortiz changed his statement and told Detective [redacted] when he arrived home, his wife told him the accident occurred at Jurupa Avenue and Milliken Avenue and that she did not stop and exchange driver information with the other driver. Detective [redacted] recorded both the interview with [redacted] and Subject Ortiz.

Detective [redacted] prepared an investigative report and presented the case to the San Bernardino County District Attorney's Office for filing consideration against [redacted] for 20002(a) C.V.C. [redacted] requested a filing against Jesus Ortiz alleging 31 C.V.C., false information to a peace officer, and 550 P.C., insurance fraud. The charges alleged against Jesus Ortiz were rejected by the District Attorney citing a lack of Corpus relating to the privileged communication between the spouses and the inability to compel [redacted] to testify against her husband.

On July 7, 2003, I was assigned this case. I retrieved all materials regarding this incident from Captain Anthony Argott, Unit Commander of East Los Angeles Station. Included in that material were memorandums prepared by Lieutenant Margaret Wagner and Subject Jesus Ortiz.

IAB Note: On April 23, 2003, Lieutenant Margaret Wagner prepared a memorandum to Captain Anthony Argott regarding contact by Deputy Jesus Ortiz with Law Enforcement. For additional details refer to the memorandum, Exhibit A.



The following are summaries of all interviews conducted by Internal Affairs Bureau. The complete interviews were tape recorded, transcribed and copies of the transcription are attached. for review.

WITNESSES

WITNESS - DETECTIVE [redacted] said on April 21, 2003, he received a traffic collision, hit and run, investigation, under Ontario Police Department file number, DR# 03-04-1378. He conducted a follow-up investigation and determined the registered owner of the fleeing vehicle belonged to Los Angeles County Sheriff's Deputy Jesus Ortiz. He discovered Deputy Ortiz was assigned to the East Los Angeles Station and telephoned the watch commander to obtain a home number. Detective [redacted] contacted Subject Ortiz and asked about recent damage to his Chevrolet Tahoe. Subject Ortiz told [redacted] he did not own a Tahoe, but he did own a Chevrolet Suburban and that on April 18th, his wife was involved in a traffic collision on Jurupa Avenue and Milliken Avenue, in the city of Ontario. Detective [redacted] spoke to [redacted] and she told [redacted] she struck the semi-truck and when she was not contacted by the driver, she left without exchanging the necessary information as required by law. [redacted] requested both [redacted] and Subject Jesus Ortiz come to Ontario Police Department on April 22, 2003 for the purpose of an interview. Prior to concluding his conversation with [redacted], [redacted] obtained her California Driver's License number and her insurance carrier and policy number.

Detective [redacted] contacted Mercury Insurance Group and learned Subject Jesus Ortiz reported the traffic collision on April 18, 2003 to a claims representative. Jesus Ortiz reported the collision occurred while the vehicle was parked, unoccupied, in a business lot at Valley Boulevard and Sierra Avenue, in the city of Fontana.

Detective [redacted] contacted Mr. [redacted], Mercury Insurance Group Special Investigations, and spoke with him about the possible fraudulent insurance claim. Mr. [redacted] obtained a copy of the initial claims report and confirmed that Subject Jesus Ortiz reported to [redacted], a claims representative, that the traffic collision occurred in Fontana while the vehicle was unoccupied and parked. Mr. [redacted] informed he would open an investigation on the company's behalf regarding a possible fraudulent claim. Detective [redacted] made a request for a copy of the insurance company's file.

Detective [redacted] initiated an investigation into a false or fraudulent claim against Mercury Insurance Company, under Ontario Police Department file number, DR# 03-04-1698.

On April 22, 2003, Detective [redacted] interviewed [redacted] and Jesus Ortiz individually in his office at Ontario Police Department. Initially, [redacted] told Detective [redacted] she did not tell her husband the truth where the collision really occurred. [redacted] said she did not tell her husband about the circumstances surrounding the damage to their vehicle until after he reported the collision to the insurance company [redacted] eventually told Detective Kelley she told her husband as soon as he arrived home from work how the collision occurred at Jurupa Avenue and Milliken Avenue, in the city of Ontario. [redacted] said Subject Ortiz called the insurance company, falsely reporting the circumstances surrounding the collision.

Detective [redacted] interviewed Subject Ortiz about the damage to his vehicle. He initially said that when he arrived home from working a double shift, his wife told him of the collision. She told him the collision occurred while the vehicle was parked and unattended in a parking lot at Sierra Avenue and Valley Boulevard, in the city of Fontana. He called his insurance company and reported the accident as his wife said it occurred. It was not until a later date that she told him the accident occurred on Jurupa Avenue and Milliken Avenue, in the city of Ontario. She told him she had left the scene without exchanging information with the driver of the big rig. He told Detective [redacted] that he made his wife call back the insurance company and admit to them she had lied to him about the circumstances of the accident. Eventually, Subject Ortiz changed his statement and told Detective [redacted] when he arrived home, his wife told the accident occurred at Jurupa Avenue and Milliken Avenue and that she did not stop and exchange driver information with the other driver. Detective [redacted] tape recorded the interviews with [redacted] and Subject Ortiz.

Detective [redacted] provided me with a copy of his entire investigative file, tape recorded copies of the interviews of [redacted] and Jesus Ortiz, the Mercury Insurance Group file and a tape recorded copy of the interview between [redacted] and a claims representative on April 21, 2003.

IAB Note: To review a complete copy of Witness [redacted] criminal investigation regarding the incident, refer to Exhibit B.

IAB Note: To review transcribed copies of the interviews with [redacted] and Subject Jesus Ortiz, refer to Exhibit D.

WITNESS - MR. [redacted] an insurance fraud investigator for Mercury Insurance Company, said he received a telephone call from Detective [redacted] Ontario Police Department, on April 21, 2003, regarding a reported traffic collision. Detective [redacted] told him he received a hit and run traffic collision report taken on April 18, 2003 by an Ontario Police Department officer. In reviewing the report he discovered that the driver who reported the collision obtained the licence plate of the vehicle which fled. The registered owner information led Detective [redacted] to Subject Jesus Ortiz, a Deputy Sheriff assigned to East Los Angeles Station. Detective [redacted] learned from Jesus Ortiz that he reported the collision to Mercury Insurance Group.

[redacted] located the "Initial Loss Report", claim number [redacted], and discovered the initial claim was telephoned in to a claims representative, [redacted] (800) 827-1570, ext. [redacted], on April 18, 2003. The insured, Jesus Ortiz, reported the collision occurred in a parking lot at Sierra Avenue and Valley Boulevard, in the city of Fontana. He reported that the vehicle was unoccupied and he had no information on the striking vehicle or driver. The conversation was not recorded, but the information was placed in a computer as the interview took place.

Mr. [redacted] received a written request from Detective [redacted] for a copy of his claim file and provided a copy to Detective [redacted]

IAB Note: Mr. [redacted]'s file was incorporated into Detective [redacted] investigative file. To review a copy, refer to exhibit C.

IAB Note: To refer to a transcribed copy of the IAB interview with Mr. [redacted], refer to Exhibit E.

WITNESS - MS. [redacted] is a claims representative for Mercury Insurance Company. As a claims representative, she receives claim reports from insured parties. On April 18, 2003, Ms. [redacted] received a telephone call from Subject Jesus Ortiz, reporting that his wife had parked their insured vehicle and it was struck by an unknown vehicle while unoccupied. He reported the collision occurred at Sierra Avenue and Valley Boulevard, in the city of Fontana, California. [redacted] said when an insured calls to report a claim, she will verify the caller's identity by requesting the caller to furnish specific information. She verified that Jesus Ortiz reported the collision and prepared a claim report regarding the time, date, location and details of the collision. She said she placed the information on her computer generated claim form as she interview the claimant.

IAB Note: Witness [redacted] prepared a Mercury Insurance Group claim form, Refer to Mercury Insurance Company form C-9 attached as Exhibit F.

IAB Note: For the interview with Ms. [redacted], refer to the transcribed interview included in the investigation, Exhibit F.

WITNESS - MS. [redacted] initially agreed to speak to me about the incident, but later called back and refused to meet with me or allow me to interview her.

SUBJECT INTERVIEW

SUBJECT - JESUS M. ORTIZ said that he had worked a double shift on April eighteenth, 2003 and he returned home at around four in the afternoon. When he came home, his wife, [redacted], told him that she had been involved in a traffic collision. She told him she was traveling on Milliken Avenue and Jurupa, in the city of Ontario, when she struck a semi truck and trailer. [redacted] told him she did not obtain a license plate, nor did she stop and exchange information with the truck driver. Subject Ortiz said he telephoned Mercury Insurance Company and reported the accident as occurring in the city of Fontana, while parked in a parking lot at Sierra Avenue and Valley Boulevard, knowing that it occurred at a different location in the city of Ontario. He said he reported the information to his insurance company to have his vehicle repaired.

Subject Ortiz said he received a telephone call from Detective [redacted] on April 21st informing him that his vehicle was possibly involved in a hit and run traffic collision in the city of Ontario. He requested that Subject Ortiz and his wife, [redacted] bring their vehicle to the Ontario Police Department on April twenty second. Subject Ortiz said the telephone call from the detective prompted him to have his wife telephone Mercury Insurance back and report the correct version on how the accident occurred. He said that he had been troubled during the weekend about the incident and felt "bad" about incorrectly reporting the location of the accident to his insurance company.

Subject Ortiz said when he was initially interviewed by Detective [redacted] he lied to him about what his wife told him. He told Detective [redacted] that his wife told him the collision occurred in Fontana, in a parking lot. He said he loved his wife a great deal and lied to protect his wife from criminal prosecution. When he was confronted by the detective that [redacted] initially lied to him and later told the truth, Deputy Ortiz told the truth about how and where the accident occurred.

Deputy Ortiz said he was afraid for his wife and was not thinking clearly when he called the insurance company and lied about the accident. He said he was fearful that his wife would be prosecuted for the hit and run accident. He said that he believed he interfered with Detective [redacted] investigation. He said he was very remorseful for his actions and apologized for the mistake he made.

IAB Note: To review a complete transcription copy of Ortiz's IAB interview, refer to Exhibit G.